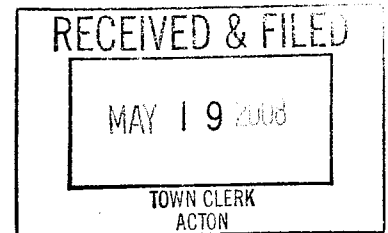


FYI



Sign Special Permit – 08-04
Dunkin' Donuts Freestanding Sign, 182 Great Road
May 13, 2008



Planning Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
pb@acton-ma.gov
www.acton-ma.gov

DECISION 08-04

Dunkin' Donuts Freestanding Sign
182 Great Road

Sign Special Permit
May 19, 2008
GRANTED

Decision of the Acton Planning Board (hereinafter the Board) on the application of Darlene McCarthy of Viewpoint Sign & Awning for Michael Costa of Costa Donuts Two, Inc. (hereinafter the Applicant) for property in Acton, Massachusetts, owned by Michael Costa of Ardent Ventures, LLC. The property is located at 182 Great Road and shown on the 2007 Acton Town Atlas map F-4 as parcel 9 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on March 24, 2008, pursuant to Section 7.13 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Sign Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the subject matter of the special permit to the Board at a duly noticed public hearing on May 13, 2008. Board members Christopher R. Schaffner (Vice Chair), Ruth M. Martin, Alan R. Mertz, Bruce Reichlen, and Edmund R. Starzec, and associate member Ryan Bettez were present throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 Items and documentation required by the Rules consisting of:
 - A properly executed Application for a Sign Special Permit.
 - Certified abutters list.
 - A locus map.
 - Sign renderings.
 - A cover memo from the Owner to the Board.
 - Identification of other signs on the Site.
- 1.2 Interdepartmental communication received from:
 - Acton Engineering Department, dated 4/2/08;
 - Acton Historical Commission dated 4/24/08;
 - Acton Planning Department, dated 5/8/08, with attachments;
 - Acton Treasurer's Office, dated 3/31/08;
 - Acton Tree Warden & Municipal Properties Dir., dated 4/1/08.

Exhibit 1.1 is referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located within the Limited Business (LB) zoning district.
- 2.2 The Applicant requests a special permit for one freestanding business sign (hereinafter the Sign) at the Site that would not otherwise be allowed under the Bylaw.
- 2.3 The Sign is 10 feet high on a single post with a display area of +/-17 square feet (51-3/4" wide x 47-1/4" high). The Sign constitutes a re-facing of a former business center sign (sign license #2656). The special permit application is essentially a request to allow the dimensions of the business center sign to continue for an individual business sign. The maximum by-right dimensions for a freestanding individual business sign of the type at this Site are 7 feet high and 12 square feet in display area.
- 2.4 The Sign requires a landscaped area of 400 square feet per section 7.8.3 of the Bylaw.
- 2.5 There are new exterior signs on the building that comply with the by-right dimensions of the Bylaw (sign license #2895 & #2896).
- 2.6 The Sign may be allowed on the Site by special permit in accordance with section 7.13.1.2 of the Bylaw.
- 2.7 The Sign is consistent with the character and uses of the area and with the Zoning District in which they will be located.

- 2.8 The Sign is appropriate in scale, design, and proportion relative to the buildings in the area and to the general surroundings. It is attractively designed, appropriately located, and will be compatible with the building to which it principally relates, and it is in harmony with the general area of the LB zoning district.
- 2.9 The Sign is a continuous part of an integrated architectural design of the entire Site.
- 2.10 The colors and materials of the Sign are restrained, and in harmony with the buildings.
- 2.11 The materials used for the Sign are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.12 The number of graphic elements on the Sign is held to the minimum needed to convey their primary messages and are in good proportion to the area of the Sign's face.
- 2.13 The Sign will not unduly compete for attention with any other signs in the area.
- 2.14 The Sign is necessary for adequate identification of the business at this Site.
- 2.15 The Sign as approved herein is appropriate for the Site; is consistent with the Master Plan; is in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where it is proposed; and comply in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.16 The Board has received comments from various Town departments, which are listed in Exhibit 1.2 above. The Board considered these comments in its deliberations, made them available to the Applicant, and incorporated them into this decision as deemed appropriate.

3 BOARD ACTION

Therefore, the Board voted on May 13, 2008 to GRANT the requested special permit subject to and with the benefit of the following conditions and limitations.

3.2 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns, and shall be enforceable by the Building Commissioner in his administration of the sign permits under section 7.6 of the Bylaw. Failure to adhere to these conditions shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any sign permit or license issued by the Building Commissioner hereunder. The Town of Acton may elect to enforce compliance with this special permit using any and all powers available to it under the law.

- 3.2.1 Prior to erecting the Signs, the Applicant shall obtain a sign permit from the Building Commissioner pursuant to section 7.6 of the Bylaw.
- 3.2.2 Prior the issuance of a sign permit or license for the Sign, the applicant shall submit to the Board or its designee evidence that the Sign meets section 7.8.3 – landscaped are for a freestanding sign. Documentation shall show photographs of the Sign area, and if not sufficient to make a determination a plan showing the dimensions of the landscaped area.*

* *Since the close of the hearing, the owner has submitted photographs to the Planning Department that indicate ample and sufficient landscaped area to meet the requirement of section 7.8.3 of the Bylaw. Therefore, this condition is met at the time of the writing of this decision.*

- 3.2.3 The Sign shall be refaced in accordance with the Plan approved herewith without increase in the size and dimensions of the previously authorized business center sign and it shall otherwise comply with all applicable requirements of the Bylaw.

3.3 LIMITATIONS

This special permit shall be limited as follows:

- 3.3.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.
- 3.3.2 This special permit applies only to the Site identified in this decision and to the proposed Sign, specifically the ref-acing of the previously existing business center sign, as shown on the Plan.
- 3.3.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.3.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates. The Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.
- 3.3.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

4 APPEALS

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board


Roland Bartl, AICP, Planning Director
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Taylor, Town Clerk

Date

Copies furnished:

Applicant -
certified mail #
Town Clerk
Owner

Building Commissioner	Engineering Administrator
Municipal Properties Director	Town Manager
Conservation Administrator	Assistant Assessor
Historical Commission	

I:\planning\planning board\decisions\08-04, dunkin donuts sign - 182 great rd.doc